

DANIEL S. SIMON, ESQ.
Nevada Bar No. 4750
BENJAMIN J. MILLER, ESQ.
Nevada Bar No. 10406
SIMON LAW
810 S. Casino Center Blvd.
Las Vegas, NV 89101
Telephone: 702-364-1650
Facsimile: 702-364-1655
lawyers@simonlawlv.com
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAELA LEE,

Plaintiff,

v.

MVW OF NEVADA, INC. d/b/a
MARRIOTT'S GRAND CHATEAU; DOE
EMPLOYEE; DOES II through V and ROE
CORPORATIONS VI through X, inclusive,

Defendants.

CASE NO.: 2:19-CV-01724-RFB-NJK

**STIPULATION AND ORDER TO EXTEND
DISCOVERY (60 DAYS) (SECOND
REQUEST)**

Plaintiff MICHAELA LEE ("Plaintiff"), by and through her attorneys of record, Daniel S. Simon, Esq., and Benjamin J. Miller, Esq., of the law firm SIMON LAW, and Defendant MARRIOTT RESORTS HOSPITALITY CORP. (erroneously named as MVW of NEVADA, INC. d/b/a MARRIOTT'S GRAND CHATEAU), by and through its attorneys of record JANICE M. MICHAELS, ESQ., ANALISE N.M. TILTON, ESQ., and KYLE J. HOYT, ESQ., of the law firm WOOD, SMITH, HENNING & BERMAN LLP (collectively the "Parties"), hereby respectfully request and stipulate to a 60-day extension of all remaining deadlines pursuant to FRCP 26 as follows:

///

Lee v. Marriott, et al.
Case No.: 2:19-CV-01724-RFB-NJK

I. CURRENT DEADLINES:

The current deadlines under the Stipulated Discovery Plan and Scheduling Order dated October 29, 2019 are as follows:

- All parties shall complete discovery on or before **October 30, 2020**;
- All parties shall file motions to amend pleading or add parties on or before **June 30, 2020**;
- All parties shall make initial expert disclosures pursuant to FRCP 16.1(a)(2) on or before **June 30, 2020**;
- All parties shall make rebuttal expert disclosures pursuant to FRCP 16.1(a)(2) on or before **July 30, 2020**;
- All parties shall file dispositive motions no later than **November 30, 2020**.

II. STATEMENT SPECIFYING THE DISCOVERY COMPLETED:

To date, the Parties have engaged in the following discovery:

- Plaintiffs made their initial disclosures on, about December 3, 2019 and first supplemental disclosures, or about March 9, 2020.
- Defendants made their initial disclosures on or about November 27, 2019.
- Defendant propounded interrogatories, requests for admission and requests for production of documents to Plaintiff on January 31, 2020.
- Plaintiff provided written responses to Defendant's interrogatories, requests for admission and requests for production of documents on March 9, 2020.
- Plaintiff and Defendant stipulated to Plaintiff undergoing a Rule 35 examination, which was set for March 18, 2020 but was vacated due to the ongoing COVID-19 pandemic.
- Defendant provided written responses to Plaintiff's interrogatories, requests for admission and requests for production of documents on May 28, 2020.

Lee v. Marriott, et al.
Case No.: 2:19-CV-01724-RFB-NJK

STATEMENT OF DISCOVERY THAT REMAINS TO BE COMPLETED:

Discovery was proceeding in the normal course. The Parties had stipulated to a Rule 35 examination of Plaintiff and were intending to move forward with party depositions, expert disclosures, and expert and/or treating physician depositions. Notably, the parties sought its first extension in light of the ongoing COVID-19 pandemic and the prohibition of any unessential in-person matters with the expectation that in-person matters would likely resume in June of 2020. The parties had set multiple depositions for early June of 2020.

III. REASONS WHY DISCOVERY WAS NOT COMPLETED:

As discussed above, the parties did not expect the pandemic to continue to the extent that it has. The parties had depositions tentatively set for early June 2020 in order to comply with pending expert disclosures and to finish all needed discovery. Unfortunately, the pandemic has continued to cause significant delays and difficulties with conducting discovery.

Notably, a critical witness, Lee Rogers, is no longer employed by Defendant and Defense counsel had encountered difficulties in communicating with him to coordinate his deposition. Further, Defendant's employee, Yoli Carrillo, another critical witness to the case, is on furlough and Defendant's Human Resources department is running at minimal capacity, thus causing further difficulties in coordinating his deposition as well.

Further, the parties desired to conduct in-person depositions, including Plaintiffs' depositions. In light of the current pandemic and how severely it continues to impact Nevada and other states, the parties are going to coordinate depositions through videoconferencing but still seek an extension of time to do so.

///

///

Lee v. Marriott, et al.
Case No.: 2:19-CV-01724-RFB-NJK

The parties and their counsel have been very cooperative during discovery and agree that neither party will be prejudiced by the proposed extension, and that they may be prejudiced should the current schedule remain in place. The parties submit that the delay is reasonable in the circumstances due to the unforeseen difficulties during the pandemic. Finally, the parties agree the extension is sought in good faith.

IV. PROPOSED SCHEDULE:

Accordingly, the Parties agree to extend all discovery deadlines as follows:

- All parties shall complete discovery on or before **December 30, 2020;**
- All parties shall file motions to amend pleading or add parties on or before **August 31, 2020;**
- All parties shall make initial expert disclosures pursuant to FRCP 16.1(a)(2) on or before **August 31, 2020;**
- All parties shall make rebuttal expert disclosures pursuant to FRCP 16.1(a)(2) on or before **September 30, 2020;**
- All parties shall file dispositive motions no later than **January 29, 2021.**

///

///

///

///

///

///

///

///

///

Lee v. Marriott, et al.
Case No.: 2:19-CV-01724-RFB-NJK

Based upon the foregoing, it is hereby stipulated that the Court vacate the current deadlines as stated in the Stipulated Discovery Plan and Scheduling Order, and that the Court issue a new order setting the deadlines as set forth in this Stipulation and Order.

Respectfully submitted this 2nd day of July, 2020.

DATED this 2nd day of July, 2020.

DATED this 2nd day of July, 2020.

/s/ Benjamin J. Miller

Daniel S. Simon, Esq.
Nevada Bar No. 4750
Benjamin J. Miller, Esq.
Nevada Bar No. 10406
SIMON LAW
810 S. Casino Center Blvd.
Las Vegas, Nevada 89101
Attorneys for Plaintiff

/s/ Kyle J. Hoyt

Analise N.M. Tilton, Esq.
Nevada Bar No. 13185
Kyle J. Hoyt, Esq.
Nevada Bar No. 14886
WOOD, SMITH, HENNING &
BERMAN LLP
2881 Business Park Ct., Suite 200
Las Vegas, Nevada 89128
Attorneys for Defendant

Lee v. Marriott, et al.
Case No.: 2:19-CV-01724-RFB-NJK

ORDER

IT IS HEREBY ORDERED that the Discovery Plan and Scheduling Order is third amended as follows:

- a. All parties shall complete discovery on or before **December 30, 2020**.
- b. All parties shall file initial expert disclosures on or before **August 31, 2020**.
- c. All parties shall file rebuttal expert disclosure on or before **September 30, 2020**.
- d. All parties shall file dispositive motions on or before **January 29, 2021**.

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

Dated: July 6, 2020